

Petitioner and asked if he would like to terminate Reich's representation. (Mot. to Withdraw 1, Doc. No. 23.) In response, Petitioner sent Reich a letter discharging him as counsel (Att. A, Doc. No. 23).² In his Motion to Dismiss Counsel, Petitioner "move[s] to dismiss counsel [sic], Hogan Lovells, from any and all interference in this matter." (Doc. No. 24.)

According to the Motion to Withdraw, Reich advised Petitioner that "it would likely be in his interest to retain an attorney in this matter." (Mot. to Withdraw 1.) Respondent does not oppose the Motion to Withdraw, and Petitioner is still represented by Finholt and Farber of NCPLS. Accordingly, the Court shall grant the Motion to Withdraw Mitchell Reich as counsel.

The Court shall deny Petitioner's Motion to Dismiss, however. As an initial matter, Petitioner is represented by an individual attorney with Hogan Lovells, not the law firm Hogan Lovells, itself, so his Motion to Dismiss Counsel is moot. As for Petitioner's Motion to Dismiss his § 2254 action, the Court has explained on a number of previous occasions that the Constitution does not confer a right to proceed simultaneously with counsel and to represent one's self (Doc. Nos. 9, 12, 20).³ See McKaskle v. Wiggins, 465 U.S. 168, 183 (1984) (finding no constitutional right to hybrid representation); see also, United States v. Penniegraft, 641 F.3d 566, 569 n.1 (4th Cir. 2011) (holding that where defendant is represented by counsel on appeal and his appeal is not submitted pursuant to Anders v. California, 386 U.S. 738 (1967), defendant may not submit pro se briefing). Petitioner is still represented by counsel, and absent credible

² Local Civil Rule 83.1(f) requires that counsel seeking to withdraw must electronically file written consent of their client to their withdrawal, which Reich has done (Att. A, Doc. No. 23). See LCvR 83.1(f) (2017).

³ Petitioner stresses that he is appearing *in propria persona sui juris*, not "pro se," but he does not explain why the distinction is necessary. (Mot. to Dismiss, Doc. No. 24.) To the extent he believes a distinction exists with respect to jurisdiction, the Court notes Petitioner acquiesced to the Court's *in personam* jurisdiction when he filed his § 2254 action through counsel. "Pro se" simply means "in his own behalf." A petitioner, no matter how he wishes to refer to himself, may not proceed both with counsel and in his own behalf. See McKaskle v. Wiggins, 465 U.S. 168, 183 (1984); United States v. Penniegraft, 641 F.3d 566, 569 n.1 (4th Cir. 2011).

evidence to the contrary, the Court is not obligated to consider his pro se filings. See Wiggins, 465 U.S. at 183.

IT IS, THEREFORE, ORDERED that:

1. The Motion to Withdraw Mitchell Reich as Counsel (Doc. No. 23) is **GRANTED**; and
2. Petitioner's Motion to Dismiss Counsel and Dismiss Action (Doc. No. 24) is **DENIED**.

Signed: July 8, 2018

A handwritten signature in black ink, appearing to read "Frank D. Whitney", is written over a horizontal line.

Frank D. Whitney
Chief United States District Judge

